

HOUSE JOURNAL

SEVENTY-EIGHTH LEGISLATURE, THIRD CALLED SESSION

PROCEEDINGS

FIRST DAY (CONTINUED) — TUESDAY, SEPTEMBER 16, 2003

The house met at 2 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 2).

Present — Mr. Speaker; Allen; Alonzo; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wise; Wohlgemuth; Wong; Woolley; Zedler.

Absent, Excused — Bailey; Baxter; Hardcastle; Solomons; Wolens.

Absent — Mabry; Menendez; Wilson.

The invocation was offered by Roger Wilson, senior pastor, Hill Country Nazarene Church, Cedar Park, as follows:

Our gracious Heavenly Father, what an honor and privilege it is for us to humbly bow before you the all powerful, all sufficient, and ever present creator of the universe. We invite you to be with us today.

As we stand here in this hallowed chamber of the great State of Texas, we ask that your richest blessings be poured out upon each and every one of these representatives elected by the people and for the people. Make each of us leaders of integrity, be of good character, consistent, unselfish, and full of your wisdom, always doing the right thing for the hard working people of Texas. Help each of us to give and show respect for the gifts that God has entrusted to each of us. Let us all work together to create the best place for all our families, our children, and

our grandchildren so they can have the greatest opportunity to enjoy life, liberty, and the pursuit of happiness. We are truly a blessed people far above and beyond our wildest dreams or imagination.

God, please enable each of us to shine like stars in our world. Help us to forget what is behind, strain toward what lies ahead, and to press on toward the goal to win the prize for which our God has called us. Teach us, Lord, to show unfailing courtesy to every person we meet. Help us not to be anxious about anything, but in everything by prayer and petition, with thanksgiving, present our requests to you. And the peace of God, which transcends all understanding, will guard our hearts and our minds. And finally, dear Lord, please protect and overshadow America's finest men and women in our armed forces, police officers, firefighters, and EMS, who are preserving the peace, protecting us, and defending our God given right to be free around the world. Hold them in the hollow of your hands. What an awesome day to be alive in the greatest nation on earth. Make us like you, servants of our fellow man. We ask all of this in your matchless, majestic, life transforming name—our God and our Lord. Amen.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Bailey on motion of Lewis.

Wolens on motion of Lewis.

The following member was granted leave of absence for today because of personal business:

Baxter on motion of Keel.

The following member was granted leave of absence for today because of illness in the family:

Hardcastle on motion of Keel.

CAPITOL PHYSICIAN

The speaker recognized Representative Casteel who presented Dr. Beverly Nuckols of New Braunfels as the "Doctor for the Day."

The house welcomed Dr. Nuckols and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Hill in the chair)

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness in the family:

Dawson on motion of Wong.

The following member was granted leave of absence for the remainder of today because of important business:

Elkins on motion of Kuempel.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Wilson now present)

(Speaker in the chair)

**PROVIDING FOR A CONGRATULATORY
AND MEMORIAL CALENDAR**

Representative Edwards moved to set a congratulatory and memorial calendar for 10 a.m. Monday, September 22.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Rules and Resolutions, upon adjournment today, Desk 133, for a formal meeting, to consider the calendar.

ADJOURNMENT

Representative Krusee moved that the house adjourn until 2:33 p.m. today.

The motion prevailed without objection.

The house accordingly, at 2:30 p.m., adjourned until 2:33 p.m. today.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 40 (By Rodriguez), Relating to the filing of a lien against the home of certain Medicaid recipients.

To Appropriations.

HB 41 (By Hochberg), Relating to the program to study the use of credits for textbooks.

To Public Education.

HB 42 (By Hochberg, Pitts, Lewis, Luna, et al.), Relating to the redistricting of congressional districts and the creation, function, and duties of the Texas Congressional Redistricting Commission.

To State Affairs.

HB 43 (By Hughes), Relating to exempting private institutions of higher education from certain fees charged for programs or facilities for the control of excess or storm water.

To Local Government Ways and Means.

HB 44 (By Alonzo), Relating to the protection of the rights of Texas voters without regard to race, color, ethnicity, or membership in a language minority group.

To Elections.

HB 45 (By Wise and Alonzo), Relating to the identification information required of an applicant for a driver's license.

To Law Enforcement.

HB 46 (By McClendon), Relating to the imposition of a lien on property to recover certain medical assistance.

To Appropriations.

HB 47 (By Pickett and Isett), Relating to an appropriation to the Texas Tech University Health Sciences Center for the purpose of attaining accreditation of a four-year medical school in El Paso and authorizing the issuance of revenue bonds for the center for an academic building to support the center's educational programs in El Paso.

To Appropriations.

HB 48 (By Goolsby), Relating to victim notification regarding the release of certain defendants following acquittal by reason of insanity.

To Criminal Jurisprudence.

HB 49 (By Madden), Relating to the environmental regulation and remediation of certain dry cleaning facilities.

To Business and Industry.

HB 50 (By Pitts), Relating to the compensation of district judges in Ellis County.

To Judicial Affairs.

HB 51 (By Goolsby), Relating to amendments to the Texas Timeshare Act.

To Licensing and Administrative Procedures.

HCR 1 (By Chavez), Memorializing congress to urge the EPA to redesignate El Paso from a nonattainment area to an attainment area.

To Environmental Regulation.

HCR 2 (By Chisum), Encouraging the United States Congress to adopt a constitutional amendment banning any marriage except a union between a man and a woman.

To State Affairs.

HCR 3 (By Harper-Brown), Honoring the members of the Irving Rat Pack.

To Rules and Resolutions.

HCR 4 (By W. Smith), Honoring BP Solvay Polyethylene North America as the 2003 Industry of the Year.

To Rules and Resolutions.

HCR 5 (By J. Davis), Commending the achievements of the Honorable Miguel Aleman Velazco, governor of Veracruz, Mexico.

To Rules and Resolutions.

HCR 6 (By Hopson), Designating Kilgore as the official Texas City of Stars.

To Rules and Resolutions.

HJR 3 (By Branch), Proposing a constitutional amendment relating to the determination of a quorum of the senate or house of representatives.

To State Affairs.

HJR 4 (By Branch), Proposing a constitutional amendment relating to the determination of a quorum of the senate or house of representatives.

To State Affairs.

HR 39 (By McClendon), Congratulating Rodda Yates Dunham and Taw Wayne Dunham of Pleasanton on the birth of their twins, Reece and Rodalyn.

To Rules and Resolutions.

HR 40 (By Paxton), Honoring the Frisco RoughRiders' Dr Pepper/Seven Up Ballpark for being named Best New Ballpark for 2003 by BASEBALLPARKS.COM.

To Rules and Resolutions.

HR 41 (By J. Davis), Honoring the life of Juan N. Seguin for his contributions to Texas.

To Rules and Resolutions.

HR 42 (By Wise), Congratulating Esmeralda Stephanie "Amy" Cardenas and Manuel Eloy Pena on their marriage.

To Rules and Resolutions.

HR 44 (By Mabry), Honoring Millard Sheppard of Waco on his 107th birthday.

To Rules and Resolutions.

HR 45 (By Hegar and Callegari), Commending the Katy Performing Arts Society for its September 11 benefit performance.

To Rules and Resolutions.

HR 46 (By Dutton), Honoring Mount Pleasant Baptist Church of Houston on its 127th anniversary and the dedication of a Texas historical marker.

To Rules and Resolutions.

HR 47 (By Dutton), Honoring Thelma Jean Carson Taylor of Houston on her 70th birthday.

To Rules and Resolutions.

HR 48 (By Harper-Brown), Honoring the life of Jackie Townsell of Irving.

To Rules and Resolutions.

HR 49 (By Bohac and Callegari), Honoring State Representative Joe Crabb as he completes 20 years as pastor of Addicks United Methodist Church.

To Rules and Resolutions.

HR 50 (By Hilderbran), Honoring Sherry Cunningham of Kerrville as she steps down from her position as president of the Kerrville Area Chamber of Commerce.

To Rules and Resolutions.

HR 51 (By Hilderbran), Congratulating Bill M. Tucker, P.E., on his retirement from the Texas Department of Transportation.

To Rules and Resolutions.

HR 52 (By Hilderbran), In memory of Susie Davis Nichols of Rio Frio.

To Rules and Resolutions.

HR 53 (By Miller), Honoring Highland Missionary Baptist Church in Dublin on its 100th anniversary.

To Rules and Resolutions.

HR 54 (By Paxton), Honoring Presbyterian Hospital of Allen for being awarded "distinguished" certification by the Texas Department of Health for its Newborn Hearing Screening Program.

To Rules and Resolutions.

HR 55 (By Denny), Recognizing Dorothea Griffith Oliver as an Honorary Texan.

To Rules and Resolutions.

HR 56 (By Rose), In memory of Lieutenant Colonel (Ret.) Rodney Saylor Griffith of Lockhart.

To Rules and Resolutions.

HR 57 (By Hamilton), Honoring James and Beverly Reeh of Orange on their 50th wedding anniversary.

To Rules and Resolutions.

HR 58 (By Baxter), In memory of Patti Lynch Shields of Austin.

To Rules and Resolutions.

HR 59 (By Baxter and Keel), In memory of Jaceb Ronald Thomas Fedro of Lakeway.

To Rules and Resolutions.

HR 60 (By Denny), Honoring Linda Krause of Wellington Elementary School in Flower Mound for being named the Texas Outstanding Social Studies Teacher of the Year by the Texas Council for the Social Studies.

To Rules and Resolutions.

HR 61 (By Denny), Honoring Lillie Adcock of Aubrey on her 91st birthday.

To Rules and Resolutions.

HR 62 (By Callegari), Honoring Robert J. Whorton of Houston on his retirement from the Texas Comptroller of Public Accounts.

To Rules and Resolutions.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

September 15

Appropriations - **HB 23, HB 24, HB 25, HB 28, HB 29**

Elections - **HB 1**

Environmental Regulation - **HB 36, HB 37**

Government Reform - **HB 7**

Redistricting - **HB 3, HB 43**

Regulated Industries - **HB 35**

Transportation - **HB 2**

